



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
DECEMBER 7, 2011

~~~~~  
The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:35 PM.

Present were Helen Hoffstaetter, Kenneth Keller, Edward Manuel, Arnold Finaldi Jr. and Alternate Fil Cerminara. Also present was Associate Planner Jennifer Emminger.

Absent was Joel Urice.

Chairman Finaldi asked Mr. Cerminara to take Mr. Urice's place for the items on tonight's agenda.

~~~~~  
Chairman Finaldi said there were two things he wanted to bring to everyone's attention. The matter of DXR Aviation Center should have been listed under Old Business on tonight's agenda instead of the Continued Public Hearings. Also there would be no testimony or discussion on the following application tonight. It has been continued until the January 4, 2012 meeting:

DRS Technologies Inc. — Application for Special Exception to allow use (DRS Consolidated Controls Facility Expansion) generating over five hundred (500) vehicle trips per day in the IL-40 Zone — 19-21 South St. (#K15080 & #K15081) — SE #719.

~~~~~  
**PUBLIC HEARINGS**

7:30 PM — City of Danbury by Dennis I. Elpern, Planning Director - Application to Amend Chapter 4/Sec.B & Chapter 7/Sec.B of the City of Danbury Subdivision Regulations. (Street Layout and Access Requirements & Definitions)

Mr. Keller read the legal notice. Deputy Planning Director Sharon Calitro spoke in favor of this petition. She said these proposed changes go hand-in-hand with the Zoning Regulations that were approved last month by the Zoning Commission. These changes are necessary to maintain consistency between these two documents. She said there are minor changes to the street layout section, but the major change has to do with the width of an accessway and the stem part of a flag lot. There also are changes to the driveway surface and use of blocks. The City does not want to be responsible for the portion of the driveway that is in the right-of-way. The driveway width is now spelled out and Sec. 12, regarding

joint driveways has been clarified. The required width has been increased from 16 ft. to 22 ft. in width. This will allow a driveway that is less in width than two full driveways but a little more than what exists on the site now. Mrs. Calitro said this is the culmination of long, hard work. She offered to answer questions from the Commission.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Ms. Hoffstaetter made a motion to close the public hearing. Mr. Keller seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this matter to item #2 under the Old Business on tonight's agenda. Mr. Manuel seconded the motion and it was passed unanimously.

Chairman Finaldi noted that Mr. Urice had arrived at the end of the previous hearing, so Mr. Cerminara would no longer be seated for him.

~~~~~

7:40 PM — Richard S. Jowdy — Application for two (2) lot re-subdivision (2.03 ac.) in the RA-40 Zone — Middle River Rd. & 1 Richter Dr. (#C10042 & #C10051) — SUB #11-02.

Mr. Keller read the legal notice. Chairman Finaldi said they had received the staff report from Mrs. Emminger by e-mail.

Michael Mazzucco PE said this property is located at the corner across from Richter Park. It currently has a single family dwelling and an in ground pool on it. It originally was purchased as two lots and another small piece was added along the way. He said the applicant is proposing to split this into two parcels. The two lots will be served by individual wells and septic systems. The Health Department is currently reviewing them to determine if the wells and septic systems are feasible under the Public Health Code. The existing dwelling has a driveway on Richter Dr. and the proposed lot will be accessed from Middle River Rd. The subject property is located within the West Lake Reservoir, which is classified as a Class I Watershed Area. Information still has to be reviewed by the Planning and Health Depts. to determine if this is within a Class I Extra Sensitive Area (ESA). If this is determined to be so, then there are additional regulations that must be complied with, but he believes they are at least 500 ft. away from the designated watershed. He added that Paul Fagan is working on an additional map to prove this and as soon as it is ready it will be submitted. Mr. Mazzucco said the pool will have to be removed and the existing septic will have to be moved or re-worked so it can be located on the original lot. The existing house has a driveway off of Richter Dr. and the new lot will be accessed from Middle River Rd. The proposed lot lines are jagged in order to fit the minimum square within the property lines.

Ms. Hoffstaetter asked if the drawings they are looking at reflect the changes he is talking about. Mr. Mazzucco said they do not because he had revised the plans to address the Engineering and Highway comments but then he got the Planning Dept. report, so now they need more revisions. He said he is working with Paul Fagan and they are exploring the possibility of using the existing septic for the new lot and installing a new one for the existing house. He pointed out the well radius and said they are clear of all the other lots. Chairman Finaldi asked who makes the determination if this is in an environmentally sensitive area. Mrs. Emminger said the Health Dept. does this type of review and makes the final determination. Mr. Mazzucco said there is a 250 ft. boundary around the reservoir and if the property is within that, it is in an environmentally sensitive area. He added that

there are other situations also which affect the final ruling. Ms. Hoffstaetter asked the distance between the two houses. Mr. Mazzucco said there is a 25 ft. required setback, so there is 50 ft. between them.

Chairman Finaldi asked if there was anyone else to speak in favor of this and one person came forward. Gary Michael, 52 Deer Hill Ave., said he has built about five houses in this neighborhood and this proposal would conform to the other lots in the area.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Mrs. Emminger said they have received Engineering, Fire Marshal and Construction Services, but are still waiting for the Traffic Engineer and Health. The Health Dept. is reviewing additional information regarding the watershed and the well/septic review.

Mr. Keller made a motion to continue this public hearing until the next regular meeting which is on January 4, 2012. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

~~~~~

7:50 PM — Four Star Realty LLC — Application for Special Exceptions (1) to allow uses generating over five hundred (500) vehicle trips per day at 108 Newtown Rd. & 5 Mountainview Terr. (#M10028 & #M10029), (2) to allow Convenience Store in acc. w/ Sec 5.A.2.b.(8) on 5 Mountainview Terr. (#M10028), and (3) to allow Service Station in acc. w/Secs. 3.E.9. & 5.A.2.b.(2) on 108 Newtown Rd. (#M10029), located in the CG-20 Zone — SE #720.

Mr. Keller read the legal notice. Chairman Finaldi said the Commission members should have received the Staff Report and the response from the City Traffic Engineer by e-mail from Mrs. Emminger.

Attorney Brian Smith from Robinson & Cole, said this is an application to construct a service station and a convenience store on properties located at the corner of Newtown Road, Pocono Lane and Mountain View Terrace. He said the principles are Gary Michael, Gary Michael Jr. and Dennis Ramey. The background for this is that in 2010, this Commission approved this location for fast food with a drive-thru. In the interim, the owners have been approached for this different use. For this proposal, two lots would remain separate, although a lot line revision must be done to equal out the area of the lots. Also present this evening is Benjamin Doto, PE (who did the previous plan), William Tabor PE, Vanasse-Hangen-Brustlin Engineering and Timothy Onderko PE, from Langan Engineering. He then described the orientation of lots in relationship to the roads and the Interstate. The front lot has a vacant carwash and canopy, and the rear parcel previously had a house which has been removed. The main changes from the previously approved plan have to do with the access. Attorney Smith said much consideration has been given to the access and egress of this site. The intent is to change the driveways for better and more controlled access. The front lot will be a fueling facility with four double-sided pumps and a kiosk. The rear parcel will contain a 3,575 sq.ft. convenience store to complement the gas sales. Attorney Smith said that by moving the driveways up Mountainview Terr. And Pocono La., they are farther from Newtown Rd. and can take

advantage of the signal light and the stop sign. They are providing and 18 ft. landscape buffer along the rear of the rear lot to delineate the boundaries. They will be installing new utilities and on-site drainage which is a much more detailed system than what was previously there. They are adding 30 new trees to be densely located along the passway, plus 216 new shrubs. The site lighting has been designed with consideration given to the fact that there is a residential neighborhood to the north. The lights will be flush mounted and will also benefit from the fact that the land slopes downward toward Newtown Rd. There will be no diesel sold at this station, just gasoline. The kiosk will be manned at all times and the pumps cannot be activated without the kiosk. Mr. Urice asked if this is set up to be two separate businesses. Attorney Smith said it is, separate but complimentary to each other.

Bill Tabor from VHB, spoke about the fueling end of this proposal. He said on-site safety is very important to the applicant and then went through a list of 20+ safety features. All of the underground storage tanks. are monitored; there is a two stage vapor recovery system to prevent any gasoline vapors from escaping. He said the goal is cleaner air quality at this gas station. Some of the features contained are overfill protection, spill containment manholes, gas pumps that are designed to break neatly apart and shut off if someone pulls away with pump still in car. He said as further reassurance, systems like this fall under the control of the State Fire Marshal's office. Mr. Cerminara asked the intended hours of operation. Mr. Tabor said probably 6AM to 10PM. Mr. Tabor continued saying that there is a closed circuit television in the kiosk that shows all four sides of the building continuously. Mrs. Emminger asked if there would be any other sales from the kiosk besides the gas. Mr. Tabor said typically cigarettes, candy, soda, because the pass-thru drawer really limits them to what fits through it. Mrs. Emminger asked if anyone would be going into the kiosk. Mr. Tabor said no, there is no reason for anyone to be in there except the clerk. Mrs. Emminger then said the use of the kiosk for retail sales other than gas means they need another parking space for that employee. Mr. Keller asked if these two businesses will be separate. Attorney Smith said Four Star owns both parcels but it could be two different entities operating these businesses.

John Plante, the Traffic Engineer, said for his purposes, it does not matter if these are two separate properties. He said most fueling facilities listed in the ITE manual have convenience stores with them. He said the circulation in this plan will be better than most of the abutting parcels. By pulling the entrances back beyond the queuing length, there is no entrance directly onto Newtown Rd. from these businesses. He said he does not agree with the City Traffic Engineer about sidewalks because they will cut into the landscaped area. He said he received the comments from the State DOT and they were all minor. Ms. Hoffstaetter expressed concern over the amount of traffic generated by Fast Freddie's (located on the adjacent property) and asked if it would affect this site. Mr. Plante said it is his opinion that the roadway signals in place can accommodate any additional traffic generated. Mr. Urice expressed concern over internal circulation. Mr. Plante said directional signs will be posted to show drivers the circulation patten. Mrs. Emminger asked Mr. Plante to compare the amount of traffic generated by the previously approved use versus this proposal. Mr. Plante said using the City's method for calculating, the previous fast food use could generate up to 2,124 ADT and this proposal could generate up to 2,063 ADT. He said they used separate trip rates for the proposed use but a case could be made for using a combined method. Mrs. Emminger asked if he was able to compare the LOS for the previous versus the proposed. Mr. Plante said it is difficult to compare the level of service because the peak hours are different for fast food than for gas station/convenience stores. He said in closing that the conclusion is the same for both uses: the roadway is adequate.

Attorney Smith then asked Mr. Doto to compare two applications. Ben Doto PE, said he was the engineer on the previous application, so he helped Langan with the preliminary design. He said there were similarities and issues that were the same for both applications. The previous plan had a similar size building footprint, an east to west two-way drive aisle with restrictions, although the aisle was shifted farther to the north to accommodate the drive-thru. The orientation of the driveway was also affected by the drive-thru, everything was pushed closer to the residential zone than is on this proposal. He said with the previous application, there was concern about the curb cuts on Newtown Rd. and the sidewalks were still an issue. That plan had 14 evergreens along the boundary in the rear of the property. They had a two-way drive on both Pocono La. and Mountainview Terr. to enable the residents to get in and out of their neighborhood. He said the proposed change of use eliminates the drive-thru but otherwise everything is pretty much the same. In closing he said that the fencing the City installed on the other side of the passway combined with the landscaping will really shelter the neighbors.

Attorney Smith said that completes presentation for this evening. He said he believes they have demonstrated that they can comply with special exception requirements.

Gary Michael, 52 Deer Hill Ave., said he is one of the principles. He wanted to give the history of the right-of-way. About two years ago, he was contacted by a City official because the residents in the rear neighborhood were having a difficult time exiting onto Pocono Lane to get onto Newtown Rd. Based on that, they granted the land which became the accessway, so that the residents could use it to get to signalized intersection. This was the best plan since the State would not allow an additional signal at Mountainview Terr. since it was too close to Pocono Lane.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was one person.

Jim Dunellen, Pocono La. and Sunrise Rd. said he is opposed to this because of the traffic. He asked how many convenience stores we need. He said Fast Freddie's with Dunkin Donuts, on the adjacent parcel, is open 24 hours a day and is always busy. He added that another gas station is only going to clog up the traffic even more. He said people cannot get out of these side roads now, why add something else to cause more traffic.

Mr. Urice asked Mrs. Emminger if the applicant had provided an internal traffic movement plan. Mrs. Emminger said they did not and they would have to request it from the applicant. Mr. Urice said he wants to see how safe it will be to travel around the gas pumps when people come in the wrong way. Mr. Plante said they did a similar concept to the previously approved plan; one way circulation to bring the customers to the pumps from the Newtown Rd. side. That is the preferred access, but they are aware that people will come in the other way. So they provided extra length to handle the kind of maneuvering it take to bring the customer behind the pump. He added that there will be directional signs also. They feel this is flexible but if someone chooses to break the rules, there will be at least three car widths in front of the pumps and two widths behind them.

Mr. Keller made a motion to continue the public hearing. Mr. Urice seconded the motion and it was passed unanimously. Chairman Finaldi noted that the next meeting is not until January 4, 2012 due to the holidays.

~~~~~  
OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

DXR Aviation Center Assoc. — Application for Special Exception to allow Aircraft Hangar, Storage & Maintenance (DXR Aviation Center) in the IL-40 Zone — Wallingford Rd. (#G18017 & #G18018) — SE #718.

Chairman Finaldi asked Mr. Cerminara to take Mr. Manuel's place for this matter. He then said they should have received a draft resolution from Mrs. Emminger. Mr. Urice made a motion to approve this per the resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

~~~~~  
City of Danbury by Dennis I. Elpern, Planning Director – Application to Amend Chapter 4/Sec.B & Chapter 7/Sec.B of the City of Danbury Subdivision Regulations. (Street Layout and Access Requirements & Definitions)

Mr. Urice made a motion to approve these amendments so that the Subdivision Regulations will contain the same language as the Zoning Regulations. Mr. Manuel seconded the motion and it was passed unanimously.

~~~~~  
Chairman Finaldi said there was nothing under New Business, Referrals or Other Matters. He noted that under Correspondence, the secretary had sent the Commission members a schedule of the regular meetings for 2012. Under For Reference Only, there were three applications for Floodplain Permits.

At 9:30 PM Mr. Manuel made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously.